

Message Text

UNCLASSIFIED

PAGE 01 LONDON 16434 171149Z

13

ACTION L-02

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 SSO-00 RSC-01

/017 W

----- 085635

O 171141Z DEC 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 6623

UNCLAS LONDON 16434

E.O. 11652: N/A

TAGS: CASC, UK, US

SUBJECT: EXTRADITION: US/UK TREATY

REF: STATE 268661 AND 042921 ET AL

1. AT DECEMBER 12 MEETING, SIR NORMAN SKELHORN, DIRECTOR OF PUBLIC PROSECUTIONS (DPP), OBJECTED STRONGLY TO USG USE OF PRIVATE COUNSEL IN EXTRADITION REQUESTS. IN LENGTHY EXPOSITION HE MADE FOLLOWING POINTS:

(A) USG USE OF PRIVATE COUNSEL PROVED EMBARRASSING TO DPP BEFORE THE COURT IN THE CROSS CASE AND BECAUSE ITS "HAPHAZARDNESS" COULD EASILY CAUSE MORE SERIOUS EMBARRASSMENT IN THE FUTURE.

(B) USE OF PRIVATE COUNSEL IS A "SLUR" UPON DPP BECAUSE IT INDICATES DPP LACKS COMPETENCE AND EFFECTIVENESS.

(C) DPP ACTS AS CONSCIENTIOUS COUNSEL IN BEHALF OF USG, "KNOWS ITS OWN LAW", AND FINDS IT MOST UNREASONABLE WHEN USG ATTORNEYS OBJECT TO OR QUIBBLE WITH ITS REQUESTS FOR ADDITIONAL OR AMPLIFIED EVIDENCE.

(D) DESPITE EXPLANATION GIVEN IN STATE 042921, EXTRADITION REQUESTS UNDER ARTICLE XIV OF 1972 TREATY SHOULD BE MADE ONLY BY U.S. FEDERAL GOVERN-
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 16434 171149Z

MENT REGARDLESS OF INDIVIDUAL STATE INVOLVEMENT.

(DPP QUICK TO REMIND THAT USG INITIATED IMPLEMENTATION OF ARTICLE XIV WHEN JUSTICE DEPARTMENT IN MARCH 1972 OFFERED "TO ANTICIPATE 1972 TREATY" AND REPRESENTED UK IN THE AITKEN CASE REQUEST.)

2. THE HOME OFFICE LEGAL ADVISOR STATED THAT "ARTICLE XIV DOES NOT CONTEMPLATE THE USE OF PRIVATE COUNSEL BY EITHER PARTY UNLESS THE REQUESTED REPEAT REQUESTED PARTY DECIDES FOR ITS OWN REASONS AND AT ITS OWN EXPENSE TO GO TO PRIVATE COUNSEL". HMG PREFERS AN "ALL OR NOTHING ARRANGEMENT" AND THAT USG EXCLUSIVELY USE EITHER DPP OR PRIVATE COUNSEL.

3. DURING MEETING EMBASSY REPRESENTATIVES DREW LIBERALLY FROM STATE 042921 AND OTHER GUIDANCE SUPPLIED BY DEPARTMENT BUT BELIEVE DIFFERENCES BETWEEN TWO SIDES CONCERNING USE OF PRIVATE COUNSEL ARE PRESENTLY IRRECONCILABLE AND A SOURCE OF CONTINUING IRRITATION UNLESS USG PREPARED TO STOP USING PRIVATE COUNSEL. IF USG INTENDS CONTINUE USING PRIVATE COUNSEL EMBASSY RECOMMENDS THAT HMG BE TOLD THAT IMPLEMENTATION OF ARTICLE XIV WAS PREMATURE BECAUSE THE TREATY IS UNLIKELY TO BE RATIFIED IN ITS PRESENT FORM AND THAT BOTH GOVERNMENTS SHOULD RETURN IMMEDIATELY TO EXCLUSIVE USE OF PRIVATE COUNSEL. MEANWHILE, THE TREATY ITSELF SHOULD BE STUDIED FURTHER BY BOTH SIDES WITH AN EYE TO POSSIBLE FUTURE RENEGOTIATION THAT WILL ALSO INCLUDE RE-EXAMINATION OF REPRESENTATION.

4. EMBASSY OBLIGATED TO MEET AGAIN WITH DPP, HO AND FCO IN EARLY JANUARY WITH SOLUTION TO REPRESENTATION PROBLEM. REQUEST POSITIVE INSTRUCTIONS FOR THAT MEETING IN THE LIGHT OF THE DECEMBER 12 MEETING.

SPIERS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LONDON16434
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740366-0750
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741229/aaaaayxh.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 74 STATE 268661, 74 AND 042921
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by ReddocGW>; APPROVED <09 JAN 2003 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: US/UK TREATY
TAGS: CASC, PINS, UK, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005